

DECLARATION and POWER OF ATTORNEY
(JOINT)

We, Michael J. O'Donnell and Terrance C. Slaby hereby declare that:

Our residence and post office addresses are, respectively:

640 South Falmouth Drive, Rocky River, Ohio 44116 and

8370 Parkdale Drive, North Royalton, Ohio 44133.

We are, respectively, citizens of: United States of America.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled HEAT EXCHANGER TUBE WITH INTEGRAL RESTRICTING AND TURBULATING STRUCTURE the specification of which:

- 1) XXX is attached hereto.
- 2) was filed on as Serial No. 0 / and was amended on (if applicable).
- 3) was described and claimed in PCT International Application No. , filed on and amended under PCT Article 19 on .

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge our duty to disclose to the Office information of which we are aware which is material to patentability. Such information is material to patentability when it is not cumulative to information already of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability as defined in Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application for patent or inventor's certificate listed below and have also identified below any corresponding foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>	<u>Priority Claimed</u>
<u> </u> (Number)	<u> </u> (Country)
<u> </u> (Number)	<u> </u> (Country)

<u> </u> (Day/Month/Year Filed)	<u> </u> (Yes) (No)
<u> </u> (Day/Month/Year Filed)	<u> </u> (Yes) (No)

W hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, We acknowledge the duty, as stated above, to disclose material information, as defined in Title 37, Code of Federal Regulations, §1.56, relating to events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/205,955

(Application Serial No.)

December 4, 1998

(Filing Date)

Pending

(Status-patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status-patented, pending, abandoned)

We hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

We hereby designate as our mailing address the office of:

WATTS, HOFFMANN, FISHER & HEINKE CO., L.P.A.

P.O. Box 99839

Cleveland, Ohio 44199-0839

And we hereby appoint each of the following attorneys, all of whom are associated with Watts, Hoffmann, Fisher & Heinke Co., L.P.A. (Telephone No. 216/241-6700), as attorney of record to prosecute this application and to transact all business in the Patent Office connected therewith: Thomas E. Fisher, Reg. No. 18,271; Lowell L. Heinke, Reg. No. 19,471; James G. Watterson, Reg. No. 20,180; Linn J. Raney, Reg. No. 23,078; John R. Hlavka, Reg. No. 29,076; Stephen J. Schultz, Reg. No. 29,108; Richard A. Sharpe, Reg. No. 34,722; George L. Pinchak, 37,697; Paul A. Serbinowski, 34,429; Kenneth J. Smith, Reg. No. 45,115; Jennifer Nock Hinton, Reg. No. P47,653 and William A. Johnston, Reg. No. P47,687.

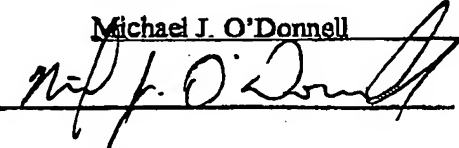
And we hereby appoint the foregoing John R. Hlavka, Reg. No. 20,076, principal attorney.

This appointment shall include all power to prosecute and transact all business relating to all applications corresponding to the referenced application in all countries, including all regional and international patent offices, such as, but not limited to, the European Patent Office and all offices and bureaus established in accordance with the Patent Cooperation Treaty.

We hereby further designate and appoint any officer of Watts, Hoffmann, Fisher & Heinke Co., L.P.A. our attorney in fact with full power of substitution and revocation, including power to designate a substitute principal attorney.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fines or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Full name of Inventor: Michael J. O'Donnell

Inventor's signature: 

Date: March 5, 2001

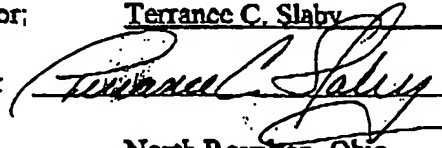
Residence: Rocky River, Ohio

Citizenship: United States of America

Post Office Address: 640 South Falmouth Drive

Rocky River, Ohio 44116

Full name of Inventor: Terrance C. Slaby

Inventor's signature: 

Date: March 5, 2001

Residence: North Royalton, Ohio

Citizenship: United States of America

Post Office Address: 8370 Parkdale Drive

North Royalton, Ohio 44133